IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGICAL CIVIL JURISDICTION.

WRIT PETITION (L) NO. 3308 OF 2004

Meteor Films Pvt. Ltd. ..... Petitioner.

versus

The Mumbai Municipal Corporation..... Respondents.

.....

Mr. Ratnakar Singh for the petitioner.
Mrs. A.R.Joshi for Respondents.

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CORAM ; F. I. REBELLO, J.

DATED; 14TH DECEMBER, 2004.

P.C.;

1. The Respondent had issued an order under section 53(1) or M.R.T.P. Act in the matter of the construction put up, which is the subject matter of the present petition.

2. It is contended on behalf of the petitioner that firstly it is a temporary wooden structure and therefore the provisions of M.R.T.P. Act would not apply. Assuming it applies, then notice had to be given under section 55 of the MRTP Act, considering that it is a temporary structure.

3. Section 55 empowers the authority to cause removal

or discontinuance of an unauthorised temporary development summarily, whereas under Section 53, the poweris to remove the same after notice. The petitioner therefore cannot complain that the action under section 53 is without jurisdiction.

4. The expression development would include the putting up of a wooden structure. Therefore there is no jurisdictional error committed by the respondent. Apart from that it cannot be said that a person is entitled to put up a structure may be of wood or any other material and contend that because it is removable the provisions of the MRTP Act would not be attracted. If such an argument is accepted, the object of the Act to control the development over land will be defea ed. The contention is devoid of merit. Hence there is no merit in the petition. It is accordingly rejected.

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